

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

SEIFULLAH AZGHANDI,	:	
Plaintiff,	:	
v.	:	Case No. 3:20-cv-377
KENNETH HOPKINSON,	:	JUDGE WALTER H. RICE
Defendant.	:	

DECISION AND ENTRY ADOPTING IN PART AND REJECTING IN PART UNITED STATES MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #22); SUSTAINING DEFENDANT'S MOTION TO DISMISS (DOC. #7) WITHOUT PREJUDICE TO PLAINTIFF FILING AN AMENDED COMPLAINT NAMING THE PROPER DEFENDANT SUBJECT TO THE STRICTURES OF FED. R. CIV. P. 11

Based on the reasoning and citations of authority set forth by United States Magistrate Judge Peter B. Silvain, Jr., in his Report and Recommendations, Doc. #22, to whom this case was originally referred pursuant to 28 U.S.C. § 636(b), as well as upon a thorough *de novo* review of this Court's file and the applicable law, and further noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, the Court ADOPTS said judicial filing and SUSTAINS Defendant's Motion to Dismiss, Doc. #7. However, the Court REJECTS the Report and Recommendations dismissing this case. Defendant's Motion to Dismiss is without prejudice to the filing by Plaintiff

of an Amended Complaint naming the proper Defendant, subject to the strictures of Fed. R. Civ. P. 11. Said Amended Complaint, if it is to be filed at all, must be filed within twenty-one days from date of this filing. If no such Amended Complaint is filed, this case will be dismissed with prejudice.

Date: September 24, 2021



WALTER H. RICE
UNITED STATES DISTRICT JUDGE